

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-7, 10, 12, 13, and 15-20 are presently active in this case, Claims 1 and 5 having been amended, Claims 2, 8, 9, 11, and 14 having been canceled without prejudice or disclaimer, and Claims 19 and 20 having been added.

Care has been taken such that no new matter has been entered. Support for the claim amendments are clearly provided in the originally filed specification including the drawings, written description, and original claims. (See, e.g., page 4, lines 19-24, page 8, lines 16-18, and Figure 2.)

In the outstanding Official Action, the drawings were objected to under 37 CFR 1.83(a). Claims 8 and 9 have been canceled, thereby rendering this objection moot. Accordingly, the Applicant requests the withdrawal of the objection to the drawings.

Claims 1-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Becker (U.S. Patent No. 6,297,482) in view of Vilato et al. (U.S. Patent No. 6,120,282). For the reasons discussed below, the Applicant respectfully requests the withdrawal of the obviousness rejection.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that a *prima facie* case of

obviousness cannot be established in the present case because the cited references, either when taken singularly or in combination, fail to disclose all of the limitations recited in independent Claims 1 and 5.

Claim 1 of the present application recites a glass-ceramic plate comprising at least one opening located within a bent portion of the plate, the opening being at a location other than a heating area and having an angular or polygonal shape, wherein an outer peripheral edge around the opening is bent upwards, and wherein the opening is a suction hood opening configured for use with a suction hood for allowing for the extraction of cooking gases. Claim 5 of the present application recites a glass-ceramic plate comprising at least one opening located within a bent portion of the plate, the opening being at a location other than a heating area and having at least one dimension greater than 10 cm and having an angular or polygon and/or complex shape. Neither of the cited references teaches a glass-ceramic plate comprising at least one opening having an angular or polygonal shape, and/or a complex shape, in the manner recited in Claims 1 and 5.

The Becker reference describes a kitchen cooking arrangement (2) that includes a countertop (5) having an upper surface (7). The kitchen cooking arrangement (2) also incorporates a cooktop (15) that includes a main plate portion (18) which is secured upon upper surface (7) of countertop (5). The main plate portion (18) includes a downdraft venting arrangement including a grill (36) which, as shown, extends fore-to-aft from frontal section (21) to rear section (22). The grill (36) is elongated and includes semi-circular ends.

The Becker reference does not disclose or even suggest a glass-ceramic plate comprising at least one opening having an angular or polygonal shape, and/or a complex shape. To the contrary, the grill (36) is elongated with semi-circular ends. Furthermore, it is

noted that even the heating element zones are all circular in shape. Thus, the Becker reference does not disclose or even suggest any opening having an angular or polygonal shape, and/or a complex shape.

The Applicant further submits that the Vilato et al. reference does not supplement the above deficiency in the teaching of the Becker reference. The Vilato et al. reference clearly depicts openings (6, 6', 8) that are all circular in shape. Thus, the Applicant submits that the Vilato et al. reference does not even suggest the claimed features of the present invention.

The Official Action suggests that the shape of the opening would have been an obvious matter of design choice for one of ordinary skill in the art at the time of the invention. However, the Applicant respectfully disagrees with this assumption. As is discussed in detail in the specification of the present application, at the time of the invention, it was assumed that such shapes could not be used due to negative repercussions. As noted in the paragraph beginning on line 30 of page 3, there was a negative a priori to make an opening in combination with a deformation as large as that recited in Claim 5, in particular through fear of ceramification problems or problems having repercussions as regards the flatness of the plate or its strength characteristics. Also, as noted in the paragraph beginning on line 3 of page 4, there was a negative a priori about obtaining an opening with a deformation having a polygonal or angular shape, or complex shape with a regular and satisfactory appearance, in particular at the corners. Thus, one of skill in the art would not have considered such shapes to be an obvious matter of design choice at the time of the invention.

Accordingly, the Applicant respectfully submits that the cited reference fail to render Claims 1 and 5 obvious, absent the further teaching of the claimed elements discussed above

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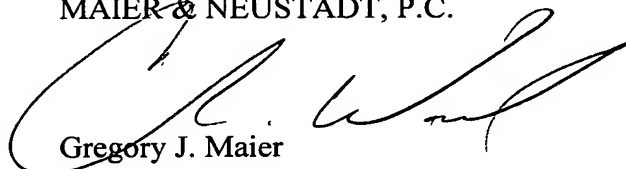
that are missing from the cited references, and a motivation to combine such a teaching with the other cited references. Thus, the Applicant respectfully requests the withdrawal of the obviousness rejection of Claims 1 and 5. The Applicant further submits that the claims that depend from Claim 1 are allowable for at least the reasons set forth above with respect to Claim 1.

The Applicant further submits that newly added Claims 19 and 20 are allowable over the cited art as they recited features that are not disclosed or suggested therein. For example, independent Claim 19 recites a seal that is provided between the claimed protective element and the glass-ceramic plate such that the protective element does not directly contact the glass-ceramic plate, which is not disclosed or suggested in the cited art.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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